

David Sanford, D.C. Bar No. 457933*
Stefanie Roemer, D.C. Bar No. 464450*
SANFORD, WITTELS & HEISLER, LLP
1666 Connecticut Avenue, N.W.
Suite 310
Washington, D.C. 20009
Telephone: (202) 742-7780
Facsimile: (202) 742-7776
*Admitted *Pro Hac Vice*

Grant Morris, D.C. Bar No. 926253*
LAW OFFICES OF GRANT E. MORRIS
1666 Connecticut Avenue, N.W.
Suite 310
Washington, D.C. 20009
Telephone: (202) 742-7783
Facsimile: (202) 742-7776
*Admitted *Pro Hac Vice*

Thomas Marc Litton, California Bar No. 119985
LITTON & GEONETTA, LLP
120 Montgomery Street
Suite 1600
San Francisco, CA 94104
Telephone: (415) 421-4770
Facsimile: (415) 421-4784

Class Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SAFRONIA DODD-OWENS, NATALIE	)	Case No. CV 06 03988 - JF
AMAYA, TERA BYRER, TIFFANY)	
SOCHA, TERI CARR, ELIZABETH	)	STIPULATION AND
“LISA” GLUS and CHRISTY	)	[PROPOSED] ORDER TO
WRONIKOWSKI	)	EXTEND TIME FOR
	)	PARTIES TO FILE REPLY
	)	BRIEFS
Individually and on Behalf of All Others)	
Similarly Situated,)	
	)	Hearing Dates: January 18, 2008
PLAINTIFFS,	)	Time: 9:00 a.m.
	)	Judge: Judge Jeremy Fogel
v.)	
	)	Complaint Date: November 13, 2007
KYPHON INC.,	)	Trial Date: None Assigned
DEFENDANT.)	

STIPULATION TO EXTEND TIME FOR THE PARTIES TO FILE THEIR REPLY BRIEFS

It is hereby stipulated and agreed, by and through undersigned counsel in the above-captioned action, that:

WHEREAS, Plaintiffs filed their Motion to Assert Class Claims in the United States District Court for the Northern District of California on November 13, 2007;

WHEREAS, pursuant to Civil Local Rule 7-3(c), Plaintiffs' Reply to Defendant's Opposition to their Motion to Assert is currently due on or before January 4, 2008;

WHEREAS, for the reasons set forth in the attached declaration of Plaintiffs' counsel, Plaintiffs are unable to timely file their Reply Brief;

WHEREAS, Plaintiffs' counsel has conferred with Defendant's counsel, Rhonda L. Nelson, who has agreed to extend the time for Plaintiffs to file their Reply Brief to and until January 11, 2008;

WHEREAS, Defendant filed its Motion to Strike Class Claims in the United States District Court for the Northern District of California on December 3, 2007;

WHEREAS, pursuant to Civil Local Rule 7-3(c), Defendant's Reply to Plaintiffs' Opposition to their Motion to Strike is currently due to be filed on or before January 4, 2008;

WHEREAS, Plaintiffs Counsel has agreed to extend the time for Defendant to file its Reply Brief to and until January 11, 2008;

THE PARTIES HEREBY STIPULATE THAT:

The deadline for Plaintiffs to file their Reply to Defendant's Opposition to Plaintiffs' Motion to Assert Class Claims and for Defendant to file its Reply to Plaintiffs' Opposition to Defendant's Motion to Strike shall be extended to January 11, 2008.

Dated: January 3, 2008

SEVERSON & WERSON


By



Rhonda L. Nelson
Attorneys for Defendant

1 Dated: January 3, 2008

SANFORD, WITTELS & HEISLER, LLP

2
3 By 

4 David Sanford
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAFRONIA DODD-OWENS, NATALIE	)	Case No. CV 06 03988 - JF
AMAYA, TERA BYRER, TIFFANY)	
SOCHA, TERI CARR, ELIZABETH	)	[PROPOSED] ORDER
"LISA" GLUS and CHRISTY	)	EXTENDING TIME
WRONIKOWSKI	)	FOR PARTIES TO FILE
	)	REPLY BRIEFS
Individually and on Behalf of All Others)	
Similarly Situated,	)	Hearing Dates: January 18, 2008
	)	Time: 9:00 a.m.
PLAINTIFFS,	)	Judge: Judge Jeremy Fogel
)	
v.	)	Complaint Date: November 13, 2007
	)	Trial Date: None Assigned
KYPHON INC.,)	
DEFENDANT.)	

ORDER

Upon consideration of the foregoing, the time for Plaintiffs to file their Reply to Defendant's Opposition to their Motion to Assert Class Claims will be extended until January 11, 2008, and the time for Defendant to file its Reply to Plaintiffs' Opposition to their Motion to Strike Class Claims will also be extended until January 11, 2008.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/4/08


The Honorable Jeremy Fogel
United States District Judge

David Sanford, D.C. Bar No. 457933*
Stefanie Roemer, D.C. Bar No. 464450*
SANFORD, WITTELS & HEISLER, LLP
1666 Connecticut Avenue, N.W.
Suite 310
Washington, D.C. 20009
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Telephone: (415) 421-4770
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Class Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SAFRONIA DODD-OWENS, NATALIE	)	Case No. CV 06 03988 - JF
AMAYA, TERA BYRER, TIFFANY)	
SOCHA, TERI CARR, ELIZABETH	)	DECLARATION OF DAVID
"LISA" GLUS, and CHRISTY	)	SANFORD IN SUPPORT OF
WRONIKOWSKI,	)	STIPULATION TO EXTEND
	)	TIME TO FILE REPLY BRIEFS
Individually and on Behalf of All Others)	
Similarly Situated,	)	Hearing Dates: January 18, 2008
)	
PLAINTIFFS,	)	Time: 9:00 a.m.
	)	Judge: Judge Jeremy Fogel
v.)	
	)	Complaint Date: November 13, 2007
KYPHON INC.,	)	Trial Date: None Assigned
DEFENDANT.)	

1 **DECLARATION OF DAVID SANFORD IN SUPPORT OF STIPULATION TO EXTEND**
2 **TIME TO FILE REPLY BRIEFS**

3
4 I, David Sanford, do declare and state:

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6 1. I am an attorney licensed to practice before this Court, and am a partner with
7 the law firm of Sanford, Wittels & Heisler, LLP. I am counsel of record for the Named
8 Plaintiffs in this case.

9 2. Plaintiffs received Defendant's Opposition to their Motion to Assert Class
10 Claims on January 2, 2008. Pursuant to this Court's local rules, Plaintiffs' Reply Brief is due
11 on January 4, 2008.

12 3. The offices of Sanford Wittels & Heisler have been closed since December
13 29, 2007, and reopened on January 2, 2008.

14 4. In addition, I will be traveling out of town on work-related matters from
15 January 3, 2008 through January 10, 2008.

16 5. For these reasons, Counsel for Plaintiffs are unable to submit a Reply Brief in
17 by January 4, 2008.

18 6. Plaintiffs' counsel have conferred with Defendant's counsel, Rhonda L.
19 Nelson, who has agreed to extend the time for Plaintiffs to file their Reply Brief until January
20 11, 2008.

21 7. In exchange, Plaintiffs have agreed that Defendant shall receive the same time
22 extension to file its Reply Brief to Plaintiffs' Opposition to Defendant's Fourth Motion to
23 Strike. Accordingly, Defendant's Reply Brief shall be filed by January 11, 2008.
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8. Plaintiffs have previously requested leave to file their Second Amended Complaint and their Reply Memorandum in Support of their Motion to Amend out of time. Plaintiffs have not requested any other extensions of time.

9. The requested time should not affect the schedule for the case or change the date of the January 18, 2008 hearing.

I declare under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is true and correct.

Executed this 3rd day of January, 2008, in Washington, DC

David Surfed by SR

David Sanford, Esq.